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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Palestine refugees' properties and their revenues

Report of the Secretary-General**

Summary

On 12 April 2004, the Secretary-General addressed notes verbales to Israel and all other Member States, drawing their attention to the relevant provisions of General Assembly resolutions 58/91 to 58/95, in particular paragraph 4 of resolution 58/94, and requesting information by 31 May 2004 concerning any action taken or envisaged in relation to their implementation. On 17 June 2004, the Secretary-General addressed a note to Israel regarding the resolutions cited above, repeating his request for information and asking for a reply by 1 July 2004. Replies covering various aspects of resolutions 58/91 to 58/95 were received from the following Member States: Syrian Arab Republic (10 May 2004), Estonia (14 May 2004), Sweden (7 June 2004), Austria (9 June 2004), Switzerland (10 June 2004) and Israel (12 July 2004). The full text of the replies are reproduced in the present report. No information has been received from other Member States regarding the request contained in paragraph 4 of resolution 58/94.

* A/59/150.

** The present report was submitted after the established deadline in order to include as much updated information as possible.

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1. The present report is submitted in pursuance of General Assembly resolution 58/94 of 9 December 2003, on Palestine refugees' properties and their revenues.

2. On 12 April 2004, the Secretary-General drew the attention of the Permanent Representative of Israel to the United Nations to Assembly resolutions 58/91 to 58/95, all of 9 December 2003, and requested that the Permanent Representative of Israel inform him by 31 May of any steps that his Government had taken or envisaged taking in implementation of the relevant provisions of the resolutions. On 17 June 2004, the Secretary-General reminded the Permanent Representative of Israel of his request of 12 April and requested a reply by 1 July 2004.

3. Also on 12 April, the Secretary-General addressed a note verbale to all other Member States, drawing their attention to the relevant provisions of resolutions 58/91 to 58/95, in particular paragraph 4 of resolution 58/94, and requesting information by 31 May 2004 concerning any action taken or envisaged in relation to their implementation.

4. A reply dated 11 May 2004 was received from the Syrian Arab Republic, covering various aspects of resolutions 58/91 to 58/95. The text reads as follows:

> "The Syrian Arab Republic voted for resolutions 58/91, 58/92, 58/93 and 58/94. It reaffirms the necessity of solving the problem of the Palestine refugees in accordance with the resolutions of international legitimacy on the matter, including Security Council resolution 73 (1949) of 11 August 1949 which called for the implementation of General Assembly resolution 194 (III) of 11 December 1948 and which provided, in paragraph 11, that the refugees should be permitted to return to their homes and should be compensated for the loss of or damage to their property.
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> "The Government of the Syrian Arab Republic expresses its rejection of the continuing attempts of the Israeli Government to undermine the right of the Palestine refugees to return and also conveys its deep concern with respect to the situation of the Palestine refugees who are living outside the territories from which they were driven, particularly in connection with their safety, well-being and living conditions.
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> "The sufferings of the Palestine refugees in the occupied Palestinian territory have been exacerbated by Israel's persistence in the policies of killing, destruction and closure and the building of the racist separation wall which is an aggression against the officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and its installations, violating international law, the four Geneva Conventions, the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations of 1946.
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> "The Syrian Arab Republic has extended direct assistance and support to the more than 500,000 Palestine refugees whom it has accommodated since Israel occupied their territories in 1948, and also provides facilities and assistance to UNRWA, thus ensuring its continued existence. The Government of the Syrian Arab Republic affirms once again that it will continue to give support and assistance to UNRWA in order to ensure the continuation of the Agency's operations and services until the occupation is ended and the Palestine refugees return to their homes.

"The Syrian Arab Republic affirms the right of all those who have been displaced as a result of the killings that began in June 1967, and have continued since, to return to their homes or their previous places of residence in the territories occupied by Israel since 1967. It also affirms the right of the Palestine refugees to their property and to the income derived from it in accordance with the principles of equity and justice and the resolutions of international legitimacy.

"The Syrian Arab Republic also joined the Group of Arab States in abstaining in the vote on resolution 58/95, entitled 'Assistance to Palestine refugees and support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East'. It did so because the resolution did not include the legal and political principles underlying the problem of the Palestine refugees and was an attempt to disregard their rights which have been guaranteed by the resolutions of the United Nations and by international law.

"The Government of the Syrian Arab Republic calls on the international community to address the problem of the Palestine refugees in accordance with the resolutions of the United Nations which have specified the inalienable right of the Palestinian people to self-determination and to return to their homes. The Syrian Arab Republic affirms that any settlement that ignores those rights will not lead to a just and comprehensive solution of the conflict in the Middle East and will not bring about security and stability in the region."

5. A reply dated 14 May 2004 was received from Estonia, covering various aspects of resolutions 58/91 to 58/95. The text reads as follows:

"The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to forward following information in reply to the note verbale DPA/APD/GA/RES 58/91-95, dated 12 April 2004.

"In 2003, the Government of Estonia made voluntary contributions to several United Nations agencies, but no contribution was specifically made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

"Concerning resolution 58/94, the Government of Estonia has no information in its possession concerning Arab property, assets and property rights in Israel that would assist the Secretary-General in the implementation of the resolution."

6. A reply dated 7 June 2004 was received from Sweden, covering various aspects of resolutions 58/91 to 58/95. The text reads as follows:

"The Permanent Representative of Sweden to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the latter's note verbale DPA/APD/GA/RES 58/91-95 dated 12 April 2004, has the honour to inform him of the following.

"For the UNRWA Conference to be held in Geneva on 7 and 8 June 2004, Sweden is heading one of the four workshops on the well being of the Palestinian child. A lot of efforts and resources have been put into that process."

7. A reply dated 9 June 2004 was received from Switzerland, covering various aspects of resolutions 58/91 to 58/95. The text reads as follows:

"The Permanent Mission of Switzerland to the United Nations presents its compliments to the Secretariat of the Organization and has the honour to refer to its note verbale DPA/APD/GA/RES/58/91-95 dated 12 April 2004, concerning General Assembly resolutions 58/91 to 58/95, relating to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, with regard to the report to be submitted to the General Assembly.

"The Mission informs the Secretariat that Switzerland has no specific contribution to make in this context."

8. A reply dated 12 July 2004 was received from Israel, covering various aspects of resolutions 58/91 to 58/95. The text reads as follows:

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the latter's note Verbale DPA/APD/GA/RES 58/91-95 dated 17 June 2004, concerning resolutions 58/91 to 58/95 adopted by the General Assembly under the agenda item entitled 'United Nations Relief and Works Agency for Palestine Refugees in the Near East'.

"The position of the State of Israel on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years. In the light of the desire of the State of Israel to bring an end to all acts of violence and terrorism in the region, improve the humanitarian situation and achieve a negotiated settlement in the context of the Road Map, Israel wishes to put its position on this matter on record.

"Israel supports the humanitarian mission of UNRWA and recognizes its important contribution to the welfare of Palestinian refugees. We remain concerned, however, regarding a number of issues related to the politicization of UNRWA operations and the need to take due account of the campaign of terror being waged against Israel's citizens. As a humanitarian agency, it is also incumbent upon UNRWA to refrain from any actions or statements concerning political questions beyond its mandate. Israel is concerned that UNRWA has failed to address the problems caused to the fulfilment of its mandate by the extensive terrorist infrastructure that has taken root in Palestinian 'refugee camps'. While Israel recognizes that UNRWA does not have a mandate to enforce security and public order, Israel urges UNRWA to draw attention to the misuse of these 'camps' by armed elements that violate Security Council resolutions and international law, and pose a clear danger to the safety and security of the civilian population, and the safe fulfilment of the UNRWA mandate.

"Israel believes that any resolution adopted with respect to UNRWA should focus on its operations, and not on extraneous political issues which are introduced to single out one country, to prejudge issues reserved by agreement for permanent status negotiations or to further the interests of one side to a conflict. There is no reason why resolutions on UNRWA, whose mission the international community supports, should be divisive and political.

"Israel supports efforts to consolidate UNRWA resolutions and remove them of extraneous political references. This goal is consistent also with general efforts aimed at the reform and revitalization of the General Assembly's agenda. In this context, and as a result of the efforts of the resolution's sponsors, Israel was able to vote in favour of resolution 58/95. Unfortunately, however, other UNRWA resolutions continue to be rife with irrelevant politicized rhetoric and superfluous or repetitious language. Accordingly, Israel voted against resolutions 58/91, 58/92, 58/93 and 57/94.

"Israel looks forward to continuing its cooperation and working relationship with UNRWA. Accordingly, Israel urges the Secretary-General and UNRWA to consider, together with the parties concerned, ways in which the organization can enhance the fulfilment of its mandate in an accountable and responsible manner in the best interests of those whom UNRWA has been charged to serve."

9. No information has been received from other Member States with regard to the request contained in paragraph 4 of resolution 58/94.